

no commercial advertising signs as it is for private parking only.

12. Mrs. Bernice Frye, who resides at 1600 First Street, N.E., directly across First Street to the west of the proposed parking lot, appeared in opposition at the public hearing. Mrs. Frye testified that the trucks presently double-park on area streets in the morning and evening, blocking traffic in the area and making it difficult for residents to get their cars out of legitimate parking spaces. Mrs. Frye also testified that the drivers of these vehicles loiter on the streets, drink beer, litter and make noise. Mrs. Frye has called the police several times to have the drivers move their trucks so she could get out of her parking space, but she has never called the Warner Corporation directly regarding these complaints.

13. In rebuttal to Mrs. Frye's testimony, a representative of the applicant testified that he has never received any complaints regarding behavior as described by Mrs. Frye from the Police Department or area residents. The applicant testified that all Warner Corporation vehicles are identified with the name and telephone number of the Corporation printed on the vehicles so that any problems created by these vehicles or their drivers could have been referred directly to the Corporation. Any Warner Corporation employee responsible for that type of action would be severally reprimanded or dismissed.

14. A representative of the Advisory Neighborhood Commission 5C was present at the public hearing and testified that the ANC took no position on this application. The ANC representative did express some concern regarding the increase in traffic in the alley which will be used as access to the parking lot. The Board is required by statute to give "great weight" to the written issues and concerns of the ANC only if it is the ANC's recommendation and if it is reduced to writing. The Board finds this is not the situation in the subject application.

15. The Office of Planning and Development, by memorandum dated October 13, 1982, recommended that the application be approved. The OPD's recommendation was based on:

- (a) The applicant's assertion that the lot will comply with Article 74 of the Zoning Regulations;
- (b) The accessory parking lot will not be objectionable to the future development of the neighborhood due to traffic or other objectionable conditions;
- (c) The establishment of this accessory parking lot will alleviate the short term commercial on-street

parking in the R-4 area of Q Street west of Frist Street;

(d) The proposed parking will harmonize with the existing warehouse uses in the block and will not interfere with neighboring residential uses because the site location isolates it from the rest of the R-4 District; and,

(e) The use will not have a negative traffic impact but should improve traffic conditions along this portion of Q Street.

The OPD further noted that the subject lot is within fifty feet of the use it is proposed to serve and that there is no better suited available land within a reasonable distance for the proposed use. The Board concurs with OPD's findings.

16. The application was referred to the D.C. Department of Transportation. The DOT did not file a timely report on the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate substantial compliance with Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The accessory parking lot is reasonably necessary and convenient to the use it is proposed to serve. The use of the lot will not result in dangerous or objectionable traffic conditions. There will be no commercial advertising signs on the lot. The lot will comply with the provisions of Article 74.

In addressing the specific concerns of the opposition noted in Finding of Fact No. 12, the Board concludes that the granting of this special exception, as hereinafter conditioned, will remedy those concerns, and improve on-street parking and traffic circulation by providing suitable off-street parking for the applicant.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of two years from the date of this Order.
- B. An eight foot high chain link fence shall be erected on all open lot lines of the lot. The fence shall contain brown vinyl or wood diagonal strips so as to make the fence generally opaque.
- C. The use of the parking lot shall be exclusively for employees, visitors and customers of the Warner Corporation.
- D. The parking lot shall be used only for parking of Warner Corporation vehicles from 7:00 P.M. to 6:00 A.M. and shall be locked during those hours.
- E. There shall be a maximum of twenty-two parking spaces.
- F. All areas devoted to access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- G. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- H. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- I. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- J. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- K. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-1 (Maybelle Taylor Bennett, Connie Fortune, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton opposed to the Condition of the Motion limiting approval to only TWO YEARS).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JAN 18 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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